



FH  
[REDACTED]

**STATE OF WISCONSIN**  
**Division of Hearings and Appeals**

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In the Matter of

[REDACTED]  
[REDACTED]  
[REDACTED]

DECISION

MSI/149205

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**PRELIMINARY RECITALS**

Pursuant to a petition filed April 16, 2013, under Wis. Stat. § 49.45(5), and Wis. Admin. Code § HA 3.03, to review a decision by the Division of Health Care Access And Accountability in regard to Medical Assistance, a hearing was held on June 04, 2013, at Milwaukee, Wisconsin.

The issue for determination is

There appeared at that time and place the following persons:

**PARTIES IN INTEREST:**

Petitioner:

[REDACTED]  
[REDACTED]  
[REDACTED]

Respondent:

Department of Health Services  
1 West Wilson Street  
Madison, Wisconsin 53703

By: Vickie Gavin (written submission)

**ADMINISTRATIVE LAW JUDGE:**

Debra Bursinger  
Division of Hearings and Appeals

**FINDINGS OF FACT**

1. Petitioner (CARES # [REDACTED]) is a resident of Milwaukee County.
2. Petitioner received the state SSI supplement and SSI-E along with federal SSI. On March 19, 2013, the agency issued a Notice of Decision informing the Petitioner that because her federal SSI would end on March 30, 2013, her state SSI and related MA would also end.

### **DISCUSSION**

Anyone who receives SSI benefits is entitled to receive MA as "categorically needy" under section 49.46(1)(a)4 of the Wisconsin Statutes. Conversely, when SSI eligibility ends so does that person's entitlement to MA under the provisions of that statutory section. As a result, the issue was whether petitioner continued to be eligible for categorically needy Wisconsin MA when it appeared that she was no longer receiving federal SSI as of April 1, 2013.

At the hearing, the Petitioner testified that she has appealed the federal decision to end her federal SSI benefits. It is not clear what the status of that appeal is. If the Petitioner's federal SSI benefits are reinstated, she will again be eligible for the state SSI supplement and related MA. The Petitioner indicates that she believes the federal agency should not have discontinued the SSI benefits just because she also receives widow's benefits.

Further, the Petitioner testified that she applied for MA on April 24, 2013 and that she was found eligible.

The Petitioner also indicated at the end of the hearing that Attorney Pat Delessio has represented her on these matters. I indicated to the Petitioner that I would contact [REDACTED] office and, if [REDACTED] is representing her on these matters, the case would be rescheduled with [REDACTED]. On June 4, 2013, I sent an email and left a voice message with [REDACTED] asking if she represents the Petitioner on this matter. On June 6, 2013, I received a reply from [REDACTED] that her office is not representing the Petitioner on this matter.

### **CONCLUSIONS OF LAW**

Petitioner is ineligible for state SSI-related MA benefits because she no longer receives federal SSI.

**THEREFORE, it is**

**ORDERED**

That the petition for review is hereby dismissed.

### **REQUEST FOR A REHEARING**

This is a final administrative decision. If you think this decision is based on a serious mistake in the facts or the law, you may request a rehearing. You may also ask for a rehearing if you have found new evidence which would change the decision. Your request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and tell why you did not have it at your first hearing. If you do not explain these things, your request will have to be denied.

To ask for a rehearing, send a written request to the Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875. Send a copy of your request to the other people named in this decision as "PARTIES IN INTEREST." Your request for a rehearing must be received no later than 20 days after the date of the decision. Late requests cannot be granted.

The process for asking for a rehearing is in Wis. Stat. § 227.49. A copy of the statutes can be found at your local library or courthouse.

**APPEAL TO COURT**

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be served and filed with the appropriate court no more than 30 days after the date of this hearing decision (or 30 days after a denial of rehearing, if you ask for one).

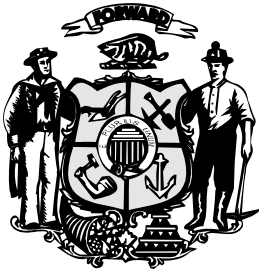
For purposes of appeal to circuit court, the Respondent in this matter is the Department of Health Services. After filing the appeal with the appropriate court, it must be served on the Secretary of that Department, either personally or by certified mail. The address of the Department is: 1 West Wilson Street, Madison, Wisconsin 53703. A copy should also be sent to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400.

The appeal must also be served on the other "PARTIES IN INTEREST" named in this decision. The process for appeals to the Circuit Court is in Wis. Stat. §§ 227.52 and 227.53.

Given under my hand at the City of Milwaukee,  
Wisconsin, this 1st day of July, 2013

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\sDebra Bursinger  
Administrative Law Judge  
Division of Hearings and Appeals



**State of Wisconsin\DIVISION OF HEARINGS AND APPEALS**

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The preceding decision was sent to the following parties on July 1, 2013.

Division of Health Care Access And Accountability  
State SSI